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EXAMINER

BENGZON, GREG C

ART UNIT	PAPER NUMBER
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2444

NOTIFICATION DATE	DELIVERY MODE
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09/22/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Response to Arguments

Applicant's arguments filed 09/07/2011 have been fully considered but they are not persuasive.

The Applicant presents the following argument(s) [*in italics*]:

... The element of "quality options being independent of rendering capabilities of said processing system" does clearly teach what is not included in the quality menu and hence, provides significant difference to distinguish the invention claimed from the references cited...

The Examiner respectfully disagrees with the Applicant.

Pak Figure 4 Paragraph 35, Paragraph 39 disclosed wherein the *client environment* is referring to the network transmission velocity of a network data transmission channel available for downloading. The said network data channel transmission velocity is an attribute that is not tied to any particular device and is indicative of the type of network connection and the features of the network such as a dial-up, ISDN, or broadband connection.

The Applicant presents the following argument(s) [*in italics*]:

... there is no objective teaching provided by Pak for using only the network bandwidth as Pak specifically teaches using the hardware specification and is attempting to provide a selection feature of using "information related to the hardware specification." ...Thus... there is no objective reason that would provide motivation to remove the hardware specification selection feature, as removing this selection feature

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removes a material element of Pak. Hence, the use of only the network characteristics is contrary to the teachings of Pak.

The Examiner respectfully disagrees with the Applicant.

The Examiner notes that while Pak disclosed consideration of the 1) device rendering capabilities in addition to the 2) network data channel transmission velocity, it would have been obvious to a person of ordinary skill in the networking art to use only one of the client environment attributes.

While the Examiner generally agrees that *the hardware specification selection feature is a material element and is a desirable feature in Pak* the Examiner does not agree that *a selection feature using "information related to the hardware specification"* is disclosed as a required and indispensable step in Pak.

Given that Pak does not teach a selection feature using *'information related to the hardware specification'* as a required and indispensable step, it would have been obvious to a person of ordinary skill in the networking art to omit said selection when the particular element or function adjustment is not desired, in order to avoid making the *quality menu* selection process more complicated than necessary.

The Applicant presents the following argument(s) [*in italics*]:

...While Salmonsens discloses presentations may be simultaneous, there is no disclosure by Salmonsens that the presentations are "in synchronization" with other... even if it could be said that the PIP function of Salmonsens provides information regarding the same content in both screens, there is no disclosure by Salmonsens that

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the playing of "the combined content available for downloading and the pre-stored content synchronously."

The Examiner respectfully disagrees with the Applicant.

Salmonsens Figure 11, Column 26 Lines 1-10 disclosed a connection manager 1018 supports the content transfer subsystem 1012 and the format decoder subsystem 1014 and controls connections associated with a particular device including preparation to receive an incoming transfer, flow control, and support of multiple simultaneous renderers.

Salmonsens disclosed (re. Claim 1) *combining content available for downloading and the pre-stored content*(Salmonsens-Column 24 Lines 35-45, *a web-enabled DVD player is able to combine content from a DVD disk with special network-accessed applications*)

Thus Salmonsens-Sato-Pak-Silen disclosed (re. Claim 1) *synchronous playing of the content to be downloaded and the pre-stored content.* (Salmonsens- Column 26 Lines 1-10 , *connection manager 1018 supports multiple simultaneous renderers, such that DVD content is played with downloaded content*)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREG C. BENGZON whose telephone number is

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(571)272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Pappas can be reached on (571)272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GREG C BENGZON/
Primary Examiner, Art Unit 2444